

EXECUTIVE SUMMARY

This Environmental Impact Report (EIR) has been prepared for the Belmont Village Encinitas-by-the-Sea Project, a development project located in the Cardiff-by-the-Sea community. This document analyzes the potential environmental effects associated with implementation of the project (including direct and indirect impacts, secondary impacts, and cumulative effects).

ES.1 Purpose and Scope of the Environmental Impact Report

This Environmental Impact Report (EIR) has been prepared for the City of Encinitas (City), acting as the lead agency under California Environmental Quality Act (CEQA) Guidelines Sections 15050 and 15367, to analyze the potential environmental effects associated with implementation of the proposed Belmont Village Encinitas-by-the-Sea Project.

An EIR is a public informational document used in the planning and decision-making process. The purpose of the EIR is to demonstrate that the City has made a good faith effort at disclosing the potential for the project to result in significant impacts to the physical environment. As such, the EIR does not consider potential fiscal impacts, cost-benefit assessment, or social impacts. Nor does the EIR present recommendations to the decision-making bodies for approval or denial of the project based on the environmental findings. Rather, the EIR is intended to provide additional information about the project when, if, and at which time it is reviewed and considered by the City in its discretionary decision-making.

This EIR provides decision-makers, public agencies, and the public in general with detailed information about the potential significant adverse environmental impacts of the proposed Belmont Village Encinitas-by-the-Sea Project. By recognizing the environmental impacts of the proposed project, decisionmakers will have a better understanding of the physical and environmental changes that would accompany the project should it be approved. The EIR includes recommended mitigation measures which, when implemented, would provide the lead agency with ways to substantially lessen or avoid significant effects of the project on the environment, whenever feasible. Alternatives to the proposed project are presented to evaluate alternative development scenarios that can further reduce or avoid significant impacts associated with the project.

In accordance with Section 15082 of the CEQA Guidelines, the City prepared and distributed a Notice of Preparation (NOP) for the proposed project that was circulated for public review on October 4, 2019. The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, was going to prepare an EIR. The scope of the analysis for this EIR was determined by the City as a result of initial project review and consideration of agency and public comments received in response to the NOP. A copy of the NOP and comments received during the public comment period are included in Appendix A-1 to this EIR.

The City will consider the information in the EIR, public and agency comments on the EIR, and testimony at public hearings in their decision-making process. As a legislative action, the final decision to approve, conditionally approve, or deny the proposed project is made by the Planning Commission (unless the action taken by the Planning Commission is appealed to the City Council). Other discretionary actions, approvals and permits are described in Chapter 2.0, Project Description.

ES.3 Project Location and Setting

The Project site is located at 3111 Manchester Avenue in the Cardiff-by-the-Sea community in San Diego County (Assessor Parcel Numbers [APN 261-210-01 and -12]). Encinitas is surrounded by the cities of Carlsbad to the north and Solana Beach to the south, the unincorporated community of Olivenhain to the east, and the Pacific Ocean to the west. The property is roughly triangle-shaped, with its southern border formed by Manchester Avenue. The majority of the 19.0272 gross, 14.43-net acre site is located north of Manchester Avenue, east of the Interstate 5 (I-5)/Manchester Avenue interchange and west of the Mira Costa Community College, San Elijo Campus parking lot. A small portion of the Project site is located south of Manchester Avenue adjacent to the San Elijo Lagoon.

ES.4 Project Objectives

The objectives of the project are as follows:

- Create an economically viable project that can be realistically implemented within current and projected economic conditions;
- Assure a high-quality development that is consistent with City and community goals and objectives, the Encinitas General Plan and Municipal Code;
- Establish a development that is consistent with the character of existing and planned development in proximity to the site and is aesthetically compatible with adjacent uses;
- Create a mix of assisted living and memory care units that maximizes density on the developable portion of the site and addresses specific needs of the resident population;
- Develop a high quality and safe senior living facility that would respond to the growing demand for senior housing;
- Create a self-sufficient facility that would provide services and amenities to enhance livability for the on-site resident population;
- Develop affordable units that will provide housing for income qualifying residents within the City of Encinitas and provide access to multi-modal transit options via its adjacency to a Caltrans Park and Ride;

- Preserve open space on the Project site that will support San Dieguito Lagoon restoration efforts and provide recreational trail connections consistent with the City of Encinitas Trails Master Plan; and
- Create appropriate landscaping buffers to protect the privacy of adjoining neighbors, preserve sensitive habitat and enhance the project and community.

ES.5 Project Synopsis

The Project proposes the construction and operation of a state-licensed, 200-bed residential senior living facility for the elderly in addition to eight (8) detached single-family homes, each containing one accessory unit. With these accessory units, development of the single-family homes would provide 16 total units, 15 of which would be designated as affordable housing units. Other improvements include an interior access road, surface parking, landscaped and paved/hardscape areas, construction of a segment of Trail 66 through the northern portion of the Project Site, on-site infrastructure, improvements to Manchester Avenue and improvements to off-site drainage culverts. All improvements would be required to comply with the latest California Building Code (CBC) and Americans with Disabilities Act (ADA).

A Tentative Map Density Bonus, Coastal Development Permit, Major Use Permit, Planned Residential Development Permit, Design Review, Grading Permit, Building Permit, Section 404 Nationwide Permit, Section 401 Water Quality Certification and Section 1602 Streambed Alteration Agreement are required for the proposed development.

ES.6 Summary of Significant Impacts and Mitigation Measures

Chapter 3 of this EIR presents the Environmental Analysis of the proposed project. Based on the analysis contained in Chapter 3 of this EIR, the proposed Belmont Village Encinitas-by-the-Sea Project would result in the potential for significant impacts to aesthetics, biological resources, cultural resources, paleontological resources, and tribal cultural resources. Mitigation measures have been identified which would reduce impacts to biological resources, cultural resources, paleontological resources, and tribal cultural resources to below a level of significance.

Table ES-1 summarizes the potential environmental impacts of the Belmont Village Encinitas-by-the-Sea Project by impact area. It also provides a summary of the mitigation measures proposed to avoid or reduce significant adverse impacts and the level of significance after mitigation.

**TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND
LEVELS OF SIGNIFICANCE AFTER MITIGATION**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
3.1 AESTHETICS			
Impact 3.1-1: Have a substantial adverse effect on a scenic vista.	Significant and Unmitigable.	None.	Significant and Unmitigable.
Impact 3.1-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	Significant and Unmitigable.	None.	Significant and Unmitigable.
Impact 3.1-3: Substantially degrade the existing visual character or quality of public views of the site and its surroundings.	Significant and Unmitigable.	None.	Significant and Unmitigable.
Impact 3.1-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	Less Than Significant.	None.	Less Than Significant.
3.2 AGRICULTURAL & FORESTRY RESOURCES			
Impact 3.2-1: Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	No Impact.	None	No Impact.
Impact 3.2-2: Involve other changes in the existing environment which, due to their location or nature, could	Less Than Significant.	None	Less Than Significant.

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result in conversion of Farmland, to non- agricultural use.			
3.3 BIOLOGICAL RESOURCES			
Impact 3.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Less Than Significant.	None.	Less Than Significant.
Impact 3.3-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Potentially Significant.	MM BIO-1: Bird Nesting Survey for Proposed Trail <ul style="list-style-type: none"> Construction activities for the proposed trail adjacent to Diegan coastal sage scrub should commence outside of the California gnatcatcher bird breeding season (February 15 to August 31). If construction occurs during the breeding season, then a bird nesting survey shall be conducted by a qualified biologist no more than 10 days prior to construction to determine whether breeding California gnatcatchers or active nests occur onsite or within 300 feet of the construction area boundary. If breeding activity or an active nest is identified, the biologist and Project Applicant shall postpone construction activity and contact the wildlife agencies to discuss: 1) the best approach to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls), and 2) a monitoring program acceptable to the wildlife agencies. 	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.3-2 (Continued)		<ul style="list-style-type: none"> If the biologist determines that bird breeding activity is being disrupted, the Project Applicant shall stop work and coordinate with the wildlife agencies to review the avoidance/minimization approach. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies. <p>MM BIO-2: Bird Nesting Surveys for Off-Site Culverts</p> <ul style="list-style-type: none"> Construction activities for the four storm drain culverts/outlets should commence outside of the breeding season for the Belding's Savannah Sparrow and the Ridgway's Rail (March 15 to Sept. 15). If construction occurs during the bird nesting season, then a Pre-construction nesting survey shall be conducted by a qualified biologist no more than 10 days prior to the first day of construction to determine whether breeding activity or active nests of the Belding's Savannah Sparrow and the Ridgway's Rail occur within 300 feet of the construction area boundary. If construction is to take place anytime within the breeding season for these species, then the above bird clearance surveys and associated monitoring shall be conducted by a qualified biologist on each day of construction activity. If breeding activity or an active nest is identified, the biologist and Project Applicant shall postpone construction activity and contact the wildlife agencies to discuss: 1) the best approach to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls), and 2) a monitoring program acceptable to the wildlife agencies. 	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.3-2 (Continued)		<ul style="list-style-type: none"> If the biologist determines that bird breeding activity is being disrupted, the Project Applicant shall stop work and coordinate with the wildlife agencies to review the avoidance/minimization approach. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies. <p>MM BIO-3: Conduct Biological Monitoring and Reporting</p> <ul style="list-style-type: none"> Prior to grading permit issuance, the Project Applicant shall provide evidence to the Development Services Department that a qualified biologist has been retained to monitor construction activity verify that construction limits are respected; and that the Project's other biological mitigation requirements and permit terms and conditions are being properly implemented. Monitoring activities shall be thoroughly and accurately documented on a daily basis. The biologist shall prepare daily, weekly, monthly, annual, and final monitoring reports for the City of Encinitas. Prior to the start of monitoring activities, Project Applicant shall provide proposed monitoring report formats, describing content, organization and submittal schedule for City's Development Services Department review and approval in consultation with wildlife agencies. <p>MM BIO-4: Development Lighting</p> <p>The Project Applicant shall ensure that development lighting shall always be directed away from and/or shielded so as not to illuminate sensitive habitat areas.</p>	Less Than Significant.

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Impact 3.3-2 (Continued)		<p>MM BIO-5: Open Space Easement.</p> <ul style="list-style-type: none"> Prior to grading permit issuance, an open space easement shall be recorded over lots “B” and “C” shown on the approved tentative map. <p>MM BIO-6: Design Impact Avoidance/Minimization</p> <ul style="list-style-type: none"> Prior to final landscape plan approval, landscape plans shall specify the following: <ol style="list-style-type: none"> All Project site landscaping shall comply with the City’s Invasive Plant Policy. For landscaping proposed adjacent to sensitive habitat areas, the use of non-native, invasive plant species (i.e., container stock and hydroseed material) shall be prohibited. Irrigation, fertilization, pest control, and pruning practices shall be controlled and monitored in these landscaped areas to avoid alteration of habitat conditions and prevent shifts in species composition from native to non-native flora. Prior to issuance of construction permits, the following measures shall be included in construction plans to the satisfaction of the Development Services Department: <ol style="list-style-type: none"> All contractors shall abide by the requirements of the biological mitigation measures contained in the Project’s EIR, entitlement permit conditions of approval, state and federal wetland permit conditions of approval, and the directions in the field of the project biologist. 	Less Than Significant.

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Impact 3.3-2 (Continued)		<ol style="list-style-type: none"> 4. Off-site wetland areas and on-site/off-site sensitive upland habitat areas shall be protected with construction fencing. Construction fencing shall be portrayed on the construction plans to the satisfaction of the Development Services Department. In each work area, fencing will be installed in advance of mobilization and will remain in place until construction in that area is complete and the contractor has demobilized. For sensitive upland habitat, construction fencing shall remain until permanent fencing is installed along the proposed on-site trail. All fencing shall be installed under the direct supervision of a qualified wildlife biologist. 5. All outdoor lighting on the Project site shall be shielded with full-cutoff light fixtures and directed away from the adjacent sensitive habitat areas. If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded with full-cutoff fixtures, and directed away from sensitive habitat. 6. All construction activity adjacent to wetland and Diegan coastal sage scrub habitat areas shall adhere to measures outlined in the City's Grading, Erosion, and Sediment Control Ordinance to avoid degradation to wetland habitat from erosion. These measures include restrictions on the timing and amount of grading. Grading shall be prohibited during the rainy season (Oct. 1st through April 15th) without an approved Erosion Control Plan And Program. Grading or vegetation removal shall be prohibited adjacent to wetland areas during rainy season unless determined to be allowable on a site-specific basis. 	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.3-2 (Continued)		<p>7. Erosion and sediment control measures used for the proposed Project, including fiber rolls and bonded fiber matrix, shall be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard. If wattles are used, only certified sterile, weed-free rice straw will be permitted.</p> <p>8. All hazardous materials used in project construction shall be transported, stored, handled, and used in strict accordance with label restrictions and all applicable federal, state, and local regulations. In the event known or suspected hazardous materials are encountered or released during site preparation, grading, or other Project related activity, work in the vicinity of the find shall be suspended until a qualified contractor (meeting the Environmental Professional qualifications in ASTM E1527-13) is retained by the Project Applicant and can assess the nature of the find and stipulate appropriate follow-up and protective measures.</p>	Less Than Significant.
Impact 3.3-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	Potentially Significant.	<p>MM BIO-7: Wetland Mitigation Credit</p> <p>Prior to grading permit issuance, the Project Applicant shall mitigate the loss of 0.08 acre of Waters of the U.S. at a 1:1 mitigation ratio to the satisfaction of the wetland permitting agencies. A wetland mitigation credit of at least 0.08 acre shall be purchased from a resource agency-approved wetland mitigation bank within the planning area of the Multiple Habitat Conservation Program. The mitigation bank and the Project Applicant shall provide a receipt to the City's Development Services Department demonstrating the purchase of the required credits in favor of the Proposed Project from the approved mitigation bank prior to grading permit issuance.</p>	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.3-3 (Continued)		MM BIO-2: Wetland Revegetation Plan Prior to grading permit issuance, a wetland revegetation plan shall be prepared and approved by the City and wetland permitting agencies having jurisdiction over the temporary off-site impacts (784 SF) to wetlands. The revegetation plan will include, but not be limited to, an implementation plan; erosion control measures, appropriate seed mixtures and planting methods; quantitative and qualitative success criteria; a maintenance, monitoring, and reporting program; an estimated completion time; and contingency measures. Provisions of the revegetation plan shall be referenced on the Project's grading plan to the satisfaction of the City's Development Services Department.	
Impact 3.3-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Less than Significant.	MM BIO-1 and MM BIO 2.	Less Than Significant.
Impact 3.3-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Potentially Significant.	MM BIO-7 and MM BIO-8.	Less Than Significant.
Impact 3.3-6: Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	Potentially Significant.	MM BIO-1 through MM BIO-6	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
3.4 CULTURAL RESOURCES			
Impact 3.4-1: Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.	No Impact.	None.	No Impact.
Impact 3.4-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Potentially Significant.	<p>MM CUL-1: Cultural Resources Construction Monitoring</p> <p>Due to the high potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in MMs CUL-2 through CUL-8 below shall be undertaken by the Applicant and/or Owner.</p> <p>MM CUL-2: Cultural Resource Mitigation Monitoring Program</p> <p>A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a Qualified Archaeologist and a TCA (traditionally and culturally affiliated) Native American Monitor for, but not limited to, any clearing or grubbing of vegetation, tree removal, demolition and/or removal of remnant foundations, pavements, abandonment and/or installation of infrastructure; grading or any other ground disturbing or altering</p>	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.4-2 (Continued)		<p>activities, including the placement of imported fill materials (note: all fill materials shall be absent of any and all cultural resources); and related road improvements, including, but not limited to, Manchester Avenue and Via Poco. Other tasks of the monitoring program shall include the following:</p> <ul style="list-style-type: none"> • The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. • The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors. • The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American Monitor during all ground disturbing or altering activities, as identified above. • The Qualified Archaeologist and/or TCA Native American Monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the Qualified Archaeologist and the TCA Native American Monitor, in consultation with the San Luis Rey Band of Mission Indians (“San Luis Rey Band”). 	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.4-2 (Continued)		<ul style="list-style-type: none"> Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the TCA Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the Qualified Archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources. The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the Lead Agency under CEQA. If a data recovery is required, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan. The Qualified Archaeologist and/or TCA Native American Monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed. <p>MM CUL-3: Pre-Excavation Agreement</p> <p>Prior to the issuance of a Grading Permit, and subject to approval of terms by the City, the Applicant or Owner, and/or Contractor shall enter into a Pre-Excavation Agreement with the San Luis Rey Band, or other TCA tribe. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant or Owner, and/or Contractor, and the San Luis Rey Band for the protection and</p>	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.4-2 (Continued)		<p>treatment of, but not limited to, such items as Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through the cultural resource mitigation monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, soil surveys, grading, or any other ground disturbing activities.</p> <p>MM CUL-4: Retain City-approved Qualified Archaeologist and TCA Native American Monitor</p> <p>Prior to the issuance of a Grading Permit, the Applicant or Owner, and/or Contractor shall provide a written and signed letter to the City's Development Services Director, stating that a City-approved Qualified Archaeologist and a TCA Native American Monitor have been retained at the Applicant or Owner and/or Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement. A copy of the letter shall be included in the Grading Plan Submittals for the Grading Permit.</p> <p>MM CUL-5: Prepare Controlled Grade Procedure</p> <p>Prior to the issuance of a Grading Permit, and in order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the TCA Native American Monitor, the San Luis Rey Band, and the Applicant or Owner, subject to the approval of City representatives. The Controlled Grade</p>	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.4-2 (Continued)		<p>Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and TCA Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Procedure shall be included in the Grading Plan Submittals for the Grading Permit.</p> <p>CUL-6: Prepare Monitoring Report and/or Evaluation Report</p> <p>Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the Qualified Archaeologist, along with the TCA Native American Monitor's notes and comments, to the City's Development Services Director for approval.</p> <p>CUL-7: Disposition of Tribal Cultural Resources</p> <p>The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the Project site to the San Luis Rey Band for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely</p>	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.	
Impact 3.4-2 (Continued)		<p>CUL-8: Identification of Human Remains</p> <p>As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American Monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American Monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept <i>in situ</i> ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American Monitor.</p>	Less Than Significant.

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Impact 3.4-3: Disturb any human remains, including those interred outside of formal cemeteries.	Potentially Significant.	MM CUL-1 through MM CUL-8	Less Than Significant.
3.5 GEOLOGY AND SOILS			
Impact 3.5-1a: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-1b: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-1c: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-1d: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.	Less Than Significant.	None.	Less Than Significant.

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Impact 3.5-2: Result in substantial soil erosion or the loss of topsoil.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-5: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potentially Significant.	<p>MM GEO-1: Paleontological Data Recovery and Monitoring Plan</p> <p>Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance, a Data Recovery and Monitoring Plan shall be prepared and implemented to the satisfaction of the City. The Plan shall document paleontological recovery methods and consist of the following measures, which shall be included on Project grading plans to the satisfaction of the City:</p> <ul style="list-style-type: none"> • A monitoring program during grading, trenching, or other excavation into undisturbed substratum or deeper bedrock beneath the soil horizons and a fossil recovery program shall be implemented for excavation equal to or greater than 2,500 cubic yards (cy) in the Delmar Formation. A City-approved paleontologist shall be contracted to perform paleontological 	Less Than Significant.

**TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND
LEVELS OF SIGNIFICANCE AFTER MITIGATION**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>resource monitoring and a fossil recovery program if significant paleontological resources are encountered during grading, trenching, or other excavation into undisturbed rock layers of the Delmar Formation. The following shall be completed:</p> <ul style="list-style-type: none"> • A City-approved paleontologist shall perform the monitoring (and recovery, if necessary), and report preparation duties. • A final Paleontological Resource Mitigation Report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program shall be prepared, if excavation into the Delmar Formation occurs and monitoring is required. 	
3.6 GREENHOUSE GAS EMISSIONS			
Impact 3.6-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Less Than Significant.	None.	Less Than Significant.
Impact 3.6-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Less Than Significant.	None.	Less Than Significant.
3.7 HYDROLOGY AND WATER QUALITY			
Impact 3.7-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.	Less Than Significant.	None.	Less Than Significant.
Impact 3.7-2: Substantially decrease groundwater supplies or interfere substantially with groundwater	Less Than Significant.	None.	Less Than Significant.

**TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND
LEVELS OF SIGNIFICANCE AFTER MITIGATION**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
recharge such that the project may impede sustainable groundwater management of the basin.			
Impact 3.7-3a: Substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site.	Less Than Significant.	None.	Less Than Significant.
Impact 3.7-3b: Substantially alter the existing drainage pattern of the site or area, including through the alteration in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.	Less Than Significant.	None.	Less Than Significant.
Impact 3.7-3c: Substantially alter the existing drainage pattern of the site or area in a manner which would substantially increase the rate or amount of surface runoff in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff.	Less Than Significant.	None.	Less Than Significant.
Impact 3.7-4: Result in flood hazard, tsunami, or seiche zones, risk release	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
of pollutants due to project inundation.			
3.8 TRANSPORTATION/TRAFFIC			
Impact 3.8-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-2: Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-3: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-4: Result in inadequate emergency access.	No Impact.	None.	No Impact.
3.9 TRIBAL CULTURAL RESOURCES			
Impact 3.9-1: Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	No Impact.	None.	No Impact.

**TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND
LEVELS OF SIGNIFICANCE AFTER MITIGATION**

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.9-2: Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.	Potentially Significant.	CUL-1 through CUL-8	Less Than Significant.

ES.7 Effects Not Found To Be Significant

Several environmental topics were found to be less than significant without mitigation: air quality, energy, hazards and hazardous materials, land use and planning, noise and vibration, mineral resources, population and housing, public services and facilities, recreation, utilities and service systems and wildfires. These topics are described in Chapter 4.0, Effects Not Found to be Significant.

ES.8 Areas Of Controversy

Pursuant to CEQA Section 15123(b)(2), an EIR shall identify areas of controversy known to the lead agency, including issues raised by the agencies, and the public, and issues to be resolved. The NOP for the EIR was distributed on October 4, 2019, for a 30-day public review and comment period, and a scoping meeting was held on October 17, 2019. Public comments were received on the NOP that reflect controversy on several environmental issues.

Issues of controversy raised include concerns related to biological resources, traffic, drainage and alternative developments that would be better suited at the Project site. The NOP and comment letters received are included in this EIR as Appendix A-1.

ES.9 Issues to Be Resolved by the Decision-Making Body

An EIR is an informational document intended to inform decision-makers and the public of the significant effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed project. As the lead agency, the City of Encinitas must respond to each significant effect identified in this EIR by making “findings” for each significant effect. As part of the decision-making process, the review and decision-making authority must determine whether or how to mitigate the associated significant effects of the project, including whether to implement a project alternative. The following significant impacts would be reduced to below significance following implementation of mitigation measures:

- Biological Resources
- Cultural Resources
- Paleontological Resources
- Tribal Cultural Resources

Furthermore, a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 would be required for visual resource impacts found to be to be significant and unavoidable.

ES.10 Summary of Alternatives

The Alternatives section (Chapter 6.0) of this EIR focuses on alternatives capable of avoiding or substantially lessening any of the significant effects of the Project, even if the alternatives would impede, to some degree, the attainment of project objectives. This chapter also includes a discussion of alternatives which were considered but rejected, including an Alternative Project Site and Alternative Land Uses. Both eliminated from further consideration due to a lack of meeting most of the project objectives and will not be discussed further here. The Alternatives section discusses the two project alternatives that were determined to represent the range of reasonable alternatives to the Project that have the potential to feasibly attain most of the basic Project objectives, but which may avoid or substantially lessen one or more the Project's significant effects. A brief summary is provided below.

ES.10.1 No Project/No Development Alternative

Under this alternative, the Proposed Project would not occur, and the site would remain in its existing condition and existing uses would occur. As such, agricultural operations would continue and the few outbuildings, located on the southwestern corner of the Proposed Project site would remain. Implementation of the No Project Alternative would not result in new environmental impacts; however, the No Project Alternative would not satisfy any of the Project objectives.

ES.10.2 Senior Care Facility Only

The Senior Living Facility Only Alternative would result in development of the Project site in a similar manner to the proposed project with the same Senior Living Facility and infrastructure improvements described in Chapter 2.0 of this EIR however, the single-family housing units would be eliminated. This alternative would require construction of improvements similar to those identified for the proposed Project, including grading and installation of an on-site drainage system, connections for utilities, and roadway and trail improvements. This alternative assumes that the area proposed for the single-family housing units (Lots 2 through 9) would either remain undisturbed or would be landscaped for use as an open space amenity for residents of the Senior Living Facility. Similar to the proposed Project, this alternative assumes that 0.13 acres of freshwater marsh, and 1.81 acres of coastal sage scrub would be donated to the San Elijo Lagoon Conservancy.

ES.10.3 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines states that if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. The context of an environmentally superior alternative is based on consideration of several factors, including the project's objectives and the ability to fulfill the goals while reducing potential impacts to the environment.

Table ES-2 summarizes the potential impacts of the alternatives evaluated as compared to the potential impacts of the Project.

TABLE ES-2 SUMMARY OF ALTERNATIVES COMPARED TO THE PROPOSED PROJECT

Environmental Resource	Proposed Project	No Project/ No Development (Alternative A)	Senior Living Facility Only (Alternative B)
1. Aesthetics	SU	NI / +	SU / +
2. Agricultural Resources	LTS	NI / +	LTS / =
3. Biological Resources	LTS-MM	NI / +	LTS-MM / =
4. Cultural Resources	LTS-MM	NI / +	LTS-MM / =
5. Geology and Soils	LTS	NI / +	LTS / =
6. Greenhouse Gas Emissions	LTS	NI / +	LTS / +
7. Hydrology and Water Quality	LTS	NI / +	LTS / =
8. Transportation and Traffic	LTS	NI / +	LTS / +
9. Tribal Cultural Resources	LTS-MM	NI / +	LTS / =
		+ 9	+ 3 = 6
Meets Most of the Basic Project Objectives?	Yes	No	Yes

Notes:

- NI Finding of no environmental impact
- LTS Finding of less than significant environmental impact
- LTS-MM Finding of less than significant environmental impact with mitigation measure(s)
- SU Finding of significant and unmitigable impact
- + Alternative is superior (reduced impacts compared) to the proposed Project
- Alternative is inferior (greater impacts compared) to the proposed Project
- = Alternative is environmentally similar to the proposed Project or there is not enough information to make a superior or inferior determination.